

**ORIGINAL**

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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

AUG 30 2006

at 2 o'clock and 2 min. P.M.  
SUE BEITIA, CLERK

Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

RAYMOND WARE,	)	CIVIL NO. 04-00671 HG/LEK
	)	
Plaintiff,	)	<b>PLAINTIFF'S AMENDMENT TO</b>
	)	<b>MEMORANDUM IN OPPOSITION</b>
vs.	)	<b>TO FEDERAL DEFENDANTS'</b>
	)	<b>MOTION TO DISMISS AND FOR</b>
SIDNEY HAYAKAWA, Director	)	<b>SUMMARY JUDGMENT;</b>
of Transportation Security	)	<b>CERTIFICATE OF SERVICE</b>
Administration - Honolulu, KEN	)	
KAMAHELE, Deputy Director,	)	
Transportation Security	)	<b>DATE:</b> September 18, 2006
Administration-Honolulu;	)	<b>TIME:</b> 9:45 a.m.
TRANSPORTATION SECURITY	)	<b>JUDGE:</b> Hon. Helen Gillmor
ADMINISTRATION; THOMAS J.	)	
RIDGE, Secretary, Department of	)	
Homeland Security, DEPARTMENT	)	
OF HOMELAND SECURITY;	)	
JOHN DOES 2-5,	)	
	)	
Defendants.	)	

**PLAINTIFF'S AMENDMENT TO MEMORANDUM IN OPPOSITION  
TO FEDERAL DEFENDANTS' MOTION TO  
DISMISS AND FOR SUMMARY JUDGMENT**

COMES NOW, Plaintiff RAYMOND E. WARE submits the following amendment to page 3 of the Memorandum In Opposition To Federal Defendants' Motion To Dismiss and For Summary Judgment filed on August 28, 2006.

Page 3 is amended as attached reflecting there are no facts that AKAL was the contractor which previously held the screening contract at Honolulu Airport. Therefore, this sentence on the previously filed Memorandum is deleted

DATED: Honolulu, Hawaii, 8-30-06.

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DAPHNE E. BARBEE  
Attorney for Plaintiff

June 2003 and for three Screening Manager positions in September 2003. For the For the September 2003 Screening Manager positions, Plaintiff had equivalent experience with prior law enforcement and had the added plus of being a Mobile Supervisor Screener. None of the selected Screening Managers were African Americans or had prior screening manager experience.

Defendant argues that for the six vacancies in June 2003, six former FAA Aviation Security Inspectors transferred to TSA for temporary hires. Reviewing the applications and resume of the six hires reveal this is not true. One of the six had no prior airport screening experience and was not a FAA Inspector. See Decl. of Counsel, Exhibit 19. All six became permanent TSA Screening Managers.

Plaintiff filed an informal EEO complaint June 23, 2003. See Ware Decl., Exhibit 2. His informal complaint of race discrimination was filed as a final complaint on August 19, 2003. See Ware Declaration, Exhibit 2.

While Mr. Ware's EEO complaint was being investigated, Plaintiff met with Mr. Hayakawa, Director of Honolulu TSA on September 3, 2003 to discuss his concerns of discrimination and his desire to be promoted. Mr. Hayakawa told him to speak with Mr. Kamahele, Deputy Director for TSA Honolulu. Plaintiff wrote to

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was duly served upon the following party at their last-known address by hand delivery, and postal delivery, prepaid mail on 8-30-06.

THOMAS A. HELPER, ESQ.  
Assistant U.S. Attorney  
Rm. 6-100, Federal Building  
300 Ala Moana Blvd.  
Honolulu, Hawaii 96850  
Attorney for Defendant

DATED: Honolulu, Hawaii, 8-30-06.

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DAPHNE E. BARBEE  
Attorney for Petitioner